

The Municipal Board Act

being

Chapter M-23.2 of the *Statutes of Saskatchewan, 1988-89* (effective October 1, 1988) as amended by the *Statutes of Saskatchewan, 1989-90, c.54; 1991, c.8; 1992, c.F-15.001 and P-6.001; 1993, c.L-33.1; 1994, c.P-37.1; 1995, c.35; 1996, c.51 and 58; 1997, c.13; 1998, c.40 and P-42.1; 2000, c.L-5.1; 2001, c.23; 2002, c.C-11.1, R-8.2 and 39; 2003, c.18; 2004, c.53; 2005, c.M-36.1; 2006, c.4; 2007, c.P-13.2; 2009, c.T-23.01; 2010, c. E-9.22, N-5.2 and W-11.1; 2012, c.11; 2013, c.G-5.01, c.17 and 27; 2014, c.E-13.1, 2015, c.F-15.11 and c.21; and 2018, c.42.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	TITLE AND INTERPRETATION		STATED CASES AND OBJECTIVES
1	Short title	33	Appealed by stated case
2	Interpretation	33.1	Other appeal
	SASKATCHEWAN MUNICIPAL BOARD	33.2	Procedure
3	Board established	33.3	Stay
4	Appointment, terms of office, etc., of members	34	Objections
5	Certain persons ineligible as members		NOTICES OF PROCEEDINGS OF BOARD
6	Vacancies, etc.	35	Notice of certain appeals
7	Chairperson and vice-chairperson	36	Notice of applications and hearings
8	Full-time members	37	Execution of notices
9	Conflict of interest	38	Service
10	Remuneration and allowances for expenses, pension, benefits, etc.	39	Publication of notice
11	Executive director and employees, duties of		ORDERS OF BOARD
12	Committees	40	Finality
13	Meetings	41	Requiring or forbidding acts
14	Decisions, quorum	42	Receivers, etc., bound
	JURISDICTION OF BOARD	43	When effective
15	When board may act	44	Effective time or on certain event
16	Assessment appeals	45	Interim, without notice orders
16.1	Application to Queen's Bench Court	46	Whole or partial relief
17	Planning and development appeals	47	Extending time
18	Municipal boundaries, changes	48	Basis of jurisdiction not required
18.1	Fire prevention	49	Orders valid for one year
18.2	Repealed	50	Service of order
18.3	Appeals re weed control decision	51	Service of documents
19	Financial supervision	52	Substantial compliance sufficient
20	Determining matters of fact or law	53	Filing with Queen's Bench
21	Management of sinking fund	54	Board authorization to act
22	Debt applications from local authorities	55	Enforced by sheriff
23	Consideration of debt applications	56	Order for payment registered against land
24	Prerequisites to an inquiry	57	Officers to assist
25	Notice as a stay of action		COSTS IN PROCEEDINGS BEFORE THE BOARD
26	Decision on inquiry	58	Costs
27	Orders re finances	59	Board documents, judicial notice of
28	Orders re debt		EFFECT ON DEBENTURE DEBT
29	Orders re annual estimates	60	Borrowing powers not affected
30	Repealed	61	Actions and proceedings prohibited
31	Appointment of administrator		AUDIT AND AFFAIRS OF BOARD
32	Other powers	62	Audit
		63	Annual report
		64	Funds of board

TERMINATION OF INQUIRY

65 Order to terminate

GENERAL

- 66 Continued application
- 67 Authorization of debentures
- 68 Form of bylaws, etc.
- 69 Furnishing information
- 70 Publication of orders, etc.
- 71 Decisions
- 72 Manual, etc., amended
- 73 Copies
- 74 Fees for documents
- 75 Fees and deposits for costs
- 76 Interested persons

OFFENCE AND PENALTY

77 Violation of Act, etc.

REGULATIONS

78 Power of Lieutenant Governor in Council to make

TRANSITIONAL AND REPEAL

- 79 Transitional
- 80 Committee for section 81
- 81 Members of committee, jurisdiction
- 82 Orders, etc., remain
- 83 Termination of appointments
- 84 Repeal
- 85 Coming into force

CHAPTER M-23.2

An Act respecting the Saskatchewan Municipal Board

TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The Municipal Board Act*.

Interpretation

2(1) In this Act:

(a) **“board”** means the Saskatchewan Municipal Board established pursuant to section 3;

(a.1) **“board of education”** means board of education as defined in *The Education Act, 1995*;

(b) **“conservation and development area”** means an area as defined in *The Conservation and Development Act*;

(c) **“debentures”** includes bonds, promissory notes, stocks, temporary debentures and other similar securities or negotiable instruments;

(d) **“local authority”** means a municipality or a conservation and development area;

(e) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(f) **“municipal Act”** means *The Cities Act, The Municipalities Act or The Northern Municipalities Act, 2010*;

(g) **Repealed.** 2005, c.M-36.1, s.440.

(h) **Repealed.** 2005, c.M-36.1, s.440.

(i) **“pecuniary interest”**, in relation to a member of the board, means an interest that the member has in any matter if:

(i) he or his agent, partner, spouse, parent or child has a direct or indirect interest in, or is a senior officer of, a corporation that could make a financial profit from a decision of the board; or

(ii) he or his spouse, parent or child could make a financial profit from a decision of the board;

but does not include an interest in any matter that a member may have in the same manner as other members of the public generally;

(j) **Repealed.** 2005, c.M-36.1, s.440.

- (k) **Repealed.** 2001, c.23, s.7.
- (l) **“school division”** means a school division as defined in *The Education, 1995*;
- (m) **Repealed.** 2002, c.R-8.2, s.86.
- (n) **Repealed.** 2005, c.M-36.1, s.440.
- (2) **Repealed.** 1989-90, c.54, s.5.

1988-89, c.M-23.2, s.2; 1989-90, c.54, s.5; 2001, c.23, s.7; 2002, c.R-8.2, s.86; 2002, c.C-11.1, s.394; 2003, c.18, s.69; 2005, c.M-36.1, s.440; 2010, c.N-5.2, s.449; 2012, c.11, s.2.

SASKATCHEWAN MUNICIPAL BOARD

Board established

- 3(1) The Saskatchewan Municipal Board is hereby established.
- (1.1) The board consists of:
 - (a) full-time members appointed by the Lieutenant Governor in Council; and
 - (b) part-time members appointed by the minister
- (2) The board shall have an official seal, of a design prescribed by the Lieutenant Governor in Council, by which it shall authenticate its proceedings and of which all courts shall take judicial notice.

1988-89, c.M-23.2, s.3; 2013, c.17, s.3.

Appointment, terms of office, etc., of members

- 4(1) The Lieutenant Governor in Council may appoint persons who possess the qualifications prescribed in this Act and the regulations to be full-time members of the board.
- (1.1) The minister may appoint persons who possess the qualifications prescribed in this Act and the regulations to be part-time members of the board.
- (2) The appointment of a person as a member of the board pursuant to subsection (1) or (1.1) shall specify whether the person is appointed as a full-time or part-time member.
- (3) A full-time member of the board may be appointed to hold office for a term not exceeding 10 years and a part-time member of the board may be appointed to hold office for a term not exceeding three years.
- (4) The appointment of a person as a member of the board shall specify the term of office of the person and may limit the authority of the person to act as a member of the board.

(5) Notwithstanding subsection (4), the Lieutenant Governor in Council may appoint a person to act as a full-time member of the board for a limited term, not to exceed six months, or with respect to a particular matter.

(5.1) Notwithstanding subsection (4), the minister may appoint a person to act as a part-time member of the board for a limited term, not to exceed six months, or with respect to a particular matter.

(6) A member of the board whose term expires is eligible for reappointment.

(7) A full-time member of the board holds office at the pleasure of the Lieutenant Governor in Council.

(7.1) A part-time member of the board holds office at the pleasure of the minister.

(8) A full-time member of the board may be suspended by the Lieutenant Governor in Council at any time and another person may be appointed by the Lieutenant Governor in Council to act in place of the suspended member for the period of the suspension.

(9) A part-time member of the board may be suspended by the minister at any time and another person may be appointed by the minister to act in place of the suspended member for the period of the suspension.

1988-89, c.M-23.2, s.4; 1991, c.8, s.3; 2013, c.17, s.4.

Certain persons ineligible as members

5 Subject to subsection 6(7), no person who is a member of the Legislative Assembly, an employee of the board or an employee or a member of the board of directors of the Saskatchewan Assessment Management Agency shall be appointed or hold office as a member of the board.

1988-89, c.M-23.2, s.5.

Vacancies, etc.

6(1) Subject to the requirement of a quorum, a vacancy in the membership of the board does not impair the power of the remaining members to act.

(2) A vacancy caused by death, resignation or otherwise may be filled for the remainder of the term of the member of the board being replaced:

(a) in the case of a full-time member, by the Lieutenant Governor in Council;
or

(b) in the case of a part-time member, by the minister.

(3) If a member of the board is, at any time, unable to perform the duties of his or her office by reason of absence or temporary incapacity:

(a) in the case of a full-time member, the Lieutenant Governor in Council may appoint, on any terms and conditions that the Lieutenant Governor in Council considers appropriate, a temporary substitute member to act in the place of that member; or

- (b) in the case of a part-time member, the minister may appoint, on any terms and conditions that the minister considers appropriate, a temporary substitute member to act in the place of that member.
- (3.1) If a temporary substitute member is appointed pursuant to subsection (3), the temporary substitute member may continue acting with respect to any matter in which he or she has taken part until that matter is completed, even if the member of the board becomes able to act.
- (4) Subject to the requirement of a quorum, in case of the absence of a member of the board, or his inability to act, the remaining members shall exercise the powers of the board.
- (5) Subject to subsections 4(7) to (9), a member of the board continues to hold office until the end of his term unless it is terminated sooner by the death or the written and signed resignation of the member.
- (6) Subject to subsection (7), where a member resigns, his resignation takes effect on the date it is received by the chairperson unless a later time is specified in the resignation for this purpose, in which case it takes effect at the time specified.
- (7) If a member of the board resigns or his or her term expires, the member may, with respect to any application, appeal, proceeding, or matter heard before him or her or commenced by him or her as a member, have and exercise the jurisdiction and powers of a member of the board, including the power to complete any matter and render a decision in that matter, as if he or she had not resigned or his or her term had not expired:
- (a) in the case of a full-time member, during any period that the Lieutenant Governor in Council designates by order; or
- (b) in the case of a part-time member, during any period that the minister designates by order.
- (8) An order pursuant to subsection (7) may be made before or after the resignation or expiration of term of office referred to in that subsection and may be retroactive in effect.
- (9) Where, after the board has commenced a hearing in any matter, a member who was present when the hearing commenced dies, resigns or becomes for any reason incapable of acting, the other members present when the hearing commenced, notwithstanding that they do not constitute a quorum of the board, may complete the hearing or any adjournment of the hearing and render a decision in the matter and the hearing and the decision are valid as though the other members constituted a quorum.

1988-89, c.M-23.2, s.6; 2013, c.17, s.5; 2015, c.21, s.64.

Chairperson and vice-chairperson

- 7(1) The Lieutenant Governor in Council shall appoint one of the full-time members of the board to be chairperson and another of the members as vice-chairperson, who may act in place of the chairperson.

- (2) In the absence or disability of the chairperson and vice-chairperson or where the positions of the chairperson and vice-chairperson are vacant, the full-time member of the board who has held office the longest as determined by the time of appointment shall act as chairperson, and while so acting he or she has all the powers and shall perform all of the duties of the chairperson.
- (3) The chairperson of the board shall direct and supervise all of its activities and shall preside at meetings of the board.
- (4) The chairperson of the board or of a committee shall have a vote in all matters.
- (5) In the absence or disability of the chairperson and vice-chairperson, all orders, rules and other documents may be signed by the acting chairperson of the board, and when so signed shall have the same effect as if signed by the chairperson.
- (6) Where it appears that a member of the board other than the chairperson has acted for and in place of the chairperson, it is to be conclusively presumed that he or she so acted in place of the chairperson.

1988-89, c.M-23.2, s.7; 1989-90, c.54, s.6; 2015, c.21, s.27 and s.64.

Full-time members

8 Full-time members of the board shall devote their full time to the performance of their duties as assigned pursuant to this or any other Act, and shall not accept or continue any other office, business, trade or employment unless authorized or required by statute.

1988-89, c.M-23.2, s.8.

Conflict of interest

- 9(1)** No member of the board who has a pecuniary interest in any land, improvement or business which is in any manner the subject of an appeal to the board shall act as a member of the board or a committee of the board on that appeal.
- (2) No member of the board who is an elected official or an employee of a local authority shall sit as a member of the board or a committee of the board on any matter with respect to the local authority of which he is an elected official or an employee.
- (3) Where a member of the board in any way has an interest in any matter before the board, whether directly or indirectly or as a pecuniary interest, except as an interest in the same manner as other members of the public generally, he shall declare his interest to the board and take no part in the proceedings, and he is not entitled to vote on the matter.
- (4) No member of the board shall:
- (a) directly or indirectly, hold, purchase or otherwise acquire any debenture or other security issued by a local authority and considered by the board while he is a member;

- (b) have or continue to have an interest in any contract or agreement for the construction of any work made with or on behalf of any local authority for which the financing has been considered by the board while he is a member; or
 - (c) become or remain an officer or a shareholder of a corporation that deals in the securities of local authorities or has an interest in a contract or agreement mentioned in clause (b).
- (5) Where a member, after his appointment, involuntarily or by operation of law becomes the owner or holder of, or otherwise acquires, any debenture or other security mentioned in subsection (4) or thereafter involuntarily or by the operation of law becomes interested or concerned in any contract or agreement mentioned in that subsection, whether the interest is direct or indirect, the member shall, within one year thereafter, absolutely sell or dispose of the debenture or other security or his interest therein or divest himself of the interest or concern in the contract or agreement.
- (6) If a member of the board has an interest in a matter before the board, on application by the member or by the chairperson or otherwise:
- (a) the Lieutenant Governor in Council may, in the case of a full-time member, appoint a disinterested person to act as a member with respect to that matter pursuant to subsection 4(5); or
 - (b) the minister may, in the case of a part-time member, appoint a disinterested person to act as a member with respect to that matter pursuant to subsection 4(5.1).
- (7) The appointment of a member of the board who contravenes this section is immediately terminated and the person is not eligible for reappointment to the board.
- (8) A contravention of subsection (1), (2) or (3) by a member of the board does not automatically invalidate a decision of the board in which the member participated, but the board shall review the decision and may, within three years from the date of the decision, declare the decision to be void.
- (9) Subject to subsection (9.1), no member of the board is eligible for nomination to be a candidate at any municipal election or to become a member of an area authority, a board of education, the conseil scolaire or a board of trustees of a school division as long as he or she remains a member of the board.
- (9.1) Subsection (9) does not apply to a part-time member appointed pursuant to subsection 18(3) or (3.2).
- (10) The board may make a decision as to whether any person has a pecuniary or other interest within the meaning of this Act and the decision of the board is binding and conclusive on the person.

Remuneration and allowances for expenses, pension, benefits, etc.

10(1) The members of the board shall be paid any remuneration for performing their duties, and may participate in any benefit plans, including those specified in subsection (3), that may be approved by the Lieutenant Governor in Council.

(2) The members of the board shall be paid reimbursement for travel and incidental living expenses incurred in the discharge of their duties as members at any rates as may be determined by the board.

(3) With the approval of the Lieutenant Governor in Council, the board may:

(a) establish a pension fund in accordance with *The Pension Benefits Act, 1992*, or enter into agreements to participate in any existing pension fund, for the members of the board and may contribute to it out of the funds of the board;

(b) establish insurance, medical, dental or other benefit plans, or enter into agreements to participate in any existing insurance, medical, dental or other benefit plan, for the members of the board and their dependants and may contribute a share of the premiums payable under the plans out of the funds of the board; and

(c) provide for the transfer of pension contributions made by or on behalf of members to:

(i) a pension fund registered with the Canada Revenue Agency pursuant to the *Income Tax Act* (Canada) prior to their appointment to the board to a pension fund to which they contribute pursuant to this subsection; and

(ii) the pension fund to which they contribute pursuant to this subsection to another pension fund registered with the Canada Revenue Agency pursuant to the *Income Tax Act* (Canada);

and enter into any agreements that may be necessary and take any action that may be required to effect the transfers, but no transfer shall be made of any pension contributions made pursuant to *The Superannuation (Supplementary Provisions) Act*.

(4) If a full-time member of the board was a member of a pension plan on the date on which the member was appointed to the board and notifies the board on his or her appointment to the board of his or her intention to continue to participate in that pension plan, the Lieutenant Governor in Council may approve the member's continued participation in that pension plan if the pension plan is:

(a) registered pursuant to *The Pension Benefits Act 1992*; and

(b) administered for employees of two or more employers.

(5) Subject to any terms and conditions in the approval by the Lieutenant Governor in Council, if a full-time member of the board continues to participate in a pension plan pursuant to subsection (4):

(a) the board is deemed to be a participating employer in the pension plan for the purposes of calculating the service of the member and the amount of contributions to be made with respect to the service of the member pursuant to the terms of the pension plan;

- (b) the service of the member with the board is deemed to be continuous service with a participating employer pursuant to the terms of the pension plan;
 - (c) the salary of the member with respect to which contributions to the pension plan are calculated is the remuneration paid to the member by the board; and
 - (d) the board shall pay contributions with respect to the service of the member with the board to the administrator of the pension plan in accordance with the terms of the pension plan.
- (6) Subsection (5) applies to the period of service of the member of the board between the date of the member's appointment to the board and the date of the approval of the member's continued participation in the pension plan by the Lieutenant Governor in Council if the following conditions are met:
- (a) the member has not become a member of a pension plan in which the board is a participating employer;
 - (b) all contributions with respect to the period of service are made to the administrator of the pension plan mentioned in subsection (4);
 - (c) the period of service did not commence before April 1, 2012.
- (7) Subsection (6) does not apply if the pension plan mentioned in subsection (4) is prohibited by its terms from accepting contributions with respect to the period of service set out in subsection (6).
- (8) The provisions of this Act are in addition to the provisions of any other Act, regulations or pension plan, and if there is any conflict between the provisions of this Act and the provisions of any other Act, regulation or pension plan, the provisions of this Act prevail.

1988-89, c.M-23.2, s.10; 1992, c.P-6.001, s.75;
2013, c.17, s.7; 2018, c.42, s.33.

Executive director and employees, duties of

- 11(1)** The board may engage an executive director who shall carry out any duties that the board may assign to him and who shall:
- (a) be the chief administrative officer of the board;
 - (b) be in charge of the employees, including the secretary, of the board;
 - (c) be in charge of and responsible for the administration and co-ordination of the affairs of the board; and
 - (d) ensure that the affairs of the board are conducted in accordance with the requirements of this or any other Act and in accordance with any orders or regulations made pursuant to this Act.
- (2) The board shall appoint one or more persons as it may deem necessary, one of whom may be the executive director, to serve as secretary to the board and who shall be an employee of the board.
- (3) The secretary shall:
- (a) keep a record of all proceedings conducted before the board or members of the board;

- (b) have the custody and care of all records and documents belonging to or pertaining to the board, or filed in the office of the secretary;
 - (c) obey all rules and directions made or given by the board or the executive director with respect to his duties or office;
 - (d) ensure that every decision with reasons, regulation, rule and order made by the board is drawn pursuant to the decision of the board and according to the provisions of any pertinent statute, properly authenticated, published in the Gazette and filed;
 - (e) call meetings, hearings, inquiries and any other proceedings of the board and any committees designated pursuant to section 12 on the instruction of the chairperson or executive director; and
 - (f) carry out any other functions and duties that may be assigned to him or his office by an Act, the board or the executive director.
- (4) In the absence or temporary incapacity to perform his duties of the secretary, the executive director may appoint an employee of the board to act as secretary.
- (5) The board may appoint any other employees as it deems necessary to perform any duties that may be required for the proper conduct of the business of the board pursuant to this or any other Act.
- (6) The board may specify the duties of its employees subject to this and any other relevant Act.
- (7) Employees of the Local Government Board established pursuant to *The Local Government Board Act*, of the Provincial Planning Appeals Board continued pursuant to *The Planning and Development Act, 1983* and of the Saskatchewan Assessment Appeal Board continued pursuant to *The Assessment Management Agency Act* are hereby transferred to the board and are employees of the board.
- (8) *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act* apply to persons employed by the board.
- (9) For the purpose of any inquiry or examination conducted by the board or in the performance of any of the other duties assigned to the board by this or any other Act or by order-in-council, the board may, with the consent of the minister in charge of any department of the Government of Saskatchewan, avail itself of the services of any officer or other employee of the department of government, and of the Saskatchewan Assessment Management Agency.
- (10) The secretary and employees of the board, other than the executive director, shall be appointed in accordance with *The Public Service Act, 1998*.

1988-89, c.M-23.2, s.11; 1991, c.8, s.4; 1998, c.P-42.1, s.42; 2015, c.21, s.64.

Committees

12(1) The board shall appoint:

- (a) three or more members of the board to sit as a committee of the board for the purposes of section 16;

- (b) three or more members of the board to sit as a committee of the board for the purposes of section 17;
 - (b.01) three or more members of the board to sit as a committee of the board for the purposes of section 18;
 - (b.1) three or more members of the board to sit as a committee of the board for the purposes of section 18.1;
 - (c) three or more members of the board to sit as a committee of the board for the purposes of section 19.
- (2) The board may appoint one or more committees of the board, in addition to those pursuant to subsection (1), consisting of any three or more members of the board and, subject to subsection (1), may direct the committee or committees to exercise the powers and perform the duties delegated by the board.
- (3) The chairperson may designate a member of the board to act as chairperson for a committee of the board designated pursuant to this section, and while so acting he or she has all the powers and shall perform all of the duties of the chairperson pertinent to that committee.
- (4) A committee may not sit concurrently with the board, but any number of committees may sit concurrently.
- (5) One member of a committee constitutes a quorum at any sitting of a committee, unless the number for a quorum of any committee is increased pursuant to subsection 13(4).
- (6) A decision or action of a committee in relation to any power or duty exercised or performed by the committee is the decision or action of the board.
- (7) The chairperson of a committee shall have a vote in all matters before the committee.

1988-89, c.M-23.2, s.12; 1992, c.F-15.001, s.40;
1997, c.13, s.3; 2013, c.17, s.8; 2015, c.21, s.27
and s.64.

Meetings

- 13(1)** Subject to subsection 12(4), the board and its committees shall meet at any times and places and conduct their proceedings in any manner as is deemed by the board to be most convenient for its affairs.
- (2) Where meetings of the board, or of two or more of its members, are to be held in a place in which a court house is situated, the chairperson for the proceeding shall have the same authority as a judge of the Court of Queen's Bench with regard to the use of the court house and other space set aside for the administration of justice, subject to the prior rights of the court and of judicial and administrative officers to its use.
- (3) Where meetings of the board, or of one or more of its members, are to be held in a municipality where there is a hall or other suitable place belonging to the municipality, the municipality shall, on advance request, allow the meeting to be held in the hall or other place at no charge to the board.

MUNICIPAL BOARD

c. M-23.2

(4) The board may make rules prescribing rules governing the management and conduct of its affairs and the conduct of the meetings, hearings, inquiries and any other proceedings of the board and its committees and respecting forms, applications and other documents required and procedures to be followed in the conduct of its affairs.

(5) The board or the chairperson may authorize or direct any one of the members of the board or appoint any person to make an inquiry and report on behalf of the board on any question or matter before the board or over which it has jurisdiction pursuant to this or any other Act, and that member or person when authorized by the board shall have all the powers of the board for taking evidence, acquiring the necessary information, or otherwise conducting an inquiry.

(6) A report of a member of the board or a person authorized to make an inquiry on behalf of the board may:

- (a) by the direction of the board be made or presented to any party to an appeal to the board, who may examine the report or the person making the report;
- (b) be adopted as the decision and order of the board; or
- (c) be otherwise dealt with as the board deems advisable;

and the board shall not be limited to the contents of any report, but may require and hear further evidence.

1988-89, c.M-23.2, s.13; 1989-90, c.54, s.4; 2015, c.21, s.64; 2018, c.42, s.65.

Decisions, quorum

14(1) A decision of a majority of the members of the board or a committee of the board present and constituting a quorum is a decision of the board, but, in the case of a tie vote, the vote is deemed to be a negative vote and in the case of an appeal, the appeal is deemed to be lost.

(2) One member of the board constitutes a quorum of the board.

1988-89, c.M-23.2, s.14; 1996, c.51, s.3

JURISDICTION OF BOARD

When board may act

15(1) The board may, of its own motion, and shall on the request of the Lieutenant Governor in Council, inquire into, hear and determine any matter or thing within its jurisdiction.

(2) Any power or authority vested in the board pursuant to this or any other Act may, though not so expressed, be exercised from time to time, or at any time, as the occasion requires.

(3) The board shall conduct any investigations, make any reports, make recommendations and perform any duties, in addition to any duties assigned to it by this or any other Act, as may be assigned to it by the Lieutenant Governor in Council or the minister.

1988-89, c.M-23.2, s.15.

Assessment appeals

16(1) The board shall hear and determine:

- (a) assessment or classification appeals pursuant to *The Cities Act, The Conservation and Development Act, The Global Transportation Hub Authority Act, The Local Improvements Act, 1993, The Municipalities Act, The Northern Municipalities Act, 2010* and *The Watershed Associations Act*;
- (b) appeals from any municipalities relating to their equalized assessment as determined and maintained by the Saskatchewan Assessment Management Agency pursuant to *The Assessment Management Agency Act*;
- (c) appeals regarding property tax exemptions provided pursuant to any Act; and
- (d) appeals from a municipality or its assessment appraiser in relation to a secondary audit of assessments conducted by the Saskatchewan Assessment Management Agency pursuant to section 22.1 of *The Assessment Management Agency Act*.

(2) The board has the power and authority set out in subsection (1) with respect to the City of Lloydminster.

1988-89, c.M-23.2, s.16; 1993, c.L-33.1, s.64;
1996, c.51, s.4; 2002, c.C-11.1, s.394; 2004, c.53,
s.16; 2005, c.M-36.1, s.440; 2010, c.N-5.2, s.449;
2013, c.G-5.01, s.54 and c.17, s.9.

Application to Queen's Bench Court

16.1(1) Where any person believes that the assessment manual relied on by the Saskatchewan Assessment Management Agency or any municipality pursuant to *The Assessment Management Agency Act*, or any assessment order or rule of the Saskatchewan Assessment Management Agency, is inconsistent with any Act, he or she may apply to the Court of Queen's Bench on a judicial review application for a determination of the issue.

(2) On any application brought pursuant to subsection (1), the Queen's Bench Rules apply, with any necessary modification.

1996, c. 51, s. 5

Planning and development appeals

17 The board shall hear and determine appeals:

- (a) and other matters under *The Planning and Development Act, 2007*, or any order or regulation passed pursuant to it;
- (b) from the Meewasin Valley Appeal Board under *The Meewasin Valley Authority Act*;
- (c) relating to municipal maintenance orders under *The Municipalities Act* and *The Northern Municipalities Act, 2010*; and
- (d) relating to development permits issued pursuant to *The Global Transportation Hub Authority Act*.

1988-89, c.M-23.2, s.17; 2005, c.M-36.1, s.440;
2007, c.P-13.2, s.258; 2010, c.N-5.2, s.449; 2013,
c.G-5.01, s.54.

Municipal boundaries, changes

18(1) Subject to subsections (1.1) to (1.3), the board shall review any application for an alteration of municipal boundaries submitted by a municipal council pursuant to subclause 43.1(2)(a)(ii) of *The Cities Act*, subsection 60(2) of *The Municipalities Act* or subsection 81(2) of *The Northern Municipalities Act, 2010*.

(1.1) Before an application mentioned in subsection (1) is reviewed by the board, the secretary of the board shall review the application to determine if, in the opinion of the secretary, it provides sufficient information and:

(a) if the secretary determines that the application provides sufficient information, refer the application to the board for review; or

(b) if the secretary determines that the application does not provide sufficient information, notify the applicant in writing of the deficiencies in the application and specify a period within which the deficiencies must be remedied.

(1.2) If, in the secretary's opinion, the deficiencies mentioned in clause (1.1)(b) have been remedied within the specified period, the secretary shall refer the application to the board for review.

(1.3) If the applicant does not remedy the deficiencies mentioned in clause (1.1)(b) to the satisfaction of the secretary within the specified period, the application is deemed to have been withdrawn by the applicant.

(2) The board shall review any application for an alteration of municipal boundaries or amalgamation of municipalities referred to it by the minister pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*.

(3) For the purposes of reviews of applications for alterations of municipal boundaries or amalgamations of municipalities submitted or referred to it, the board's membership shall be supplemented by two persons appointed by the minister as part-time members of the board to hold office for a term of three years:

(a) one of whom is nominated by the Saskatchewan Urban Municipalities Association; and

(b) one of whom is nominated by the Saskatchewan Association of Rural Municipalities.

(3.1) The Saskatchewan Urban Municipalities Association and the Saskatchewan Association of Rural Municipalities may each nominate a person to act as an alternate to the person each nominated for appointment pursuant to subsection (3).

(3.2) The minister may appoint the persons mentioned in subsection (3.1) as part-time members of the board to act as alternates to the persons appointed pursuant to subsection (3).

(3.3) If a member of the board appointed pursuant to clause (3)(a) or (b) is unable to attend a meeting of the board, his or her alternate may attend the meeting and carry out any of the responsibilities or exercise any of the powers of the member for the purposes of the meeting.

(4) In its review of an application submitted or referred to it, the board shall consider the following current or prospective matters as they may affect any of the municipalities involved:

- (a) land use planning;
- (b) tax sharing;
- (c) local boards and commissions;
- (d) municipal services;
- (e) municipal capital works;
- (f) mill rates and assessments;
- (g) disposition of land or improvements that is owned by or leased to a municipality, local board or commission;
- (h) disposition of assets and liabilities;
- (i) municipal electoral boundaries;
- (j) grants or other assistance from the government of Saskatchewan or Canada;
- (k) local school divisions;
- (l) transportation, communication and utilities and rates for those things;
- (m) local improvements in the area affected;
- (n) hospital, library and other inter municipal bodies;
- (o) bylaws; and
- (p) any other matters that the minister or the board considers relevant.

(5) On the request of the board, any municipality affected by a proposed boundary alteration or amalgamation, any government department, board, commission or agency and any Crown corporation shall provide any information that it possesses in relation to the proposed alteration or amalgamation to the board.

(6) The board may, in its discretion, hold a public hearing with respect to a proposed alteration of municipal boundaries or amalgamation of municipalities.

(7) Notwithstanding section 36, if the board determines to hold a public hearing, it shall publish a notice at least once each week for two successive weeks in a newspaper circulating in the area affected by the proposed boundary alteration or amalgamation, which notice is required to:

- (a) include a map and a description of the boundaries proposed to be altered; and
- (b) state the date, time and place of the hearing.

(8) The public hearing may not be held until a week after the day on which the notice mentioned in subsection (7) is last published.

(9) The board shall hear all persons who wish to make representations relevant to the proposed alteration of boundaries or amalgamation.

(10) On completion of its review in the case of an application submitted pursuant to subsection (1), the board may:

- (a) approve the application, subject to any terms and conditions that the board considers appropriate;
- (b) approve parts of the application and reject other parts, subject to any terms and conditions that the board considers appropriate; or
- (c) reject the application.

(11) The board shall report its decision pursuant to subsection (10) to the minister within four months after the day on which an application is referred to it by the secretary of the board in accordance with clause (1.1)(a) or subsection (1.2), as the case may be.

(12) On the completion of its review in the case of an application referred to the board pursuant to subsection (2), the board shall, within four months after the day on which an application is referred to it, make recommendations to the minister that relate to:

- (a) the principle of the proposed alteration or amalgamation; and
- (b) any terms and conditions related to the proposed alteration or amalgamation.

(13) The minister may, at the request of the board or a municipality affected by a proposed alteration of boundaries or amalgamation, extend the time within which the board is required to report its decision pursuant to subsection (11) or make recommendations to the minister pursuant to subsection (12).

1988-89, c.M-23.2, s.18; 2002, c.C-11.1, s.394;
2005, c.M-36.1, s.440; 2010, c.N-5.2, s.458; 2013,
c.17, s.10; 2015, c.F-15.11, s.62; 2015, c.F-15.11,
s.62.

Fire prevention

18.1 The board has jurisdiction to hear and determine appeals:

- (a) respecting any order made by the fire commissioner under *The Fire Safety Act*; or
- (b) respecting decisions of the fire commissioner that can be appealed to the board under *The Fire Safety Act*;
- (c) respecting certificates issued pursuant to section 37 of *The Fire Safety Act*.

1992, c.F-15.001, s.40.

18.2 Repealed. 2013, c.17, s.11.

Appeals re weed control decision

18.3 The board has jurisdiction to hear and determine appeals respecting decisions that:

- (a) are made pursuant to *The Weed Control Act* by the council of a municipality or an independent committee appointed by a municipality; and
- (b) can be appealed to the board pursuant to that Act.

2010, c.W-11.1, s.47.

Financial supervision

19(1) The board has jurisdiction to:

- (a) inquire into the merits of any application of a local authority for permission to raise money by way of debentures or on the security of stock, and to grant or refuse that permission;
 - (b) notwithstanding anything in *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, manage the sinking fund of any local authority that desires to entrust that fund to the board for management;
 - (c) supervise the expenditure of moneys borrowed by a local authority under an approval given pursuant to this Act;
 - (d) obtain from any local authority or board of education at any time a statement in detail of its assets and liabilities and of its revenue and expenditures for any definite period, or any other statement of its affairs that the board may deem expedient;
 - (e) grant permission for extension of the time for repaying indebtedness incurred by municipalities in accordance with this Act;
 - (f) deal with the financial affairs of local authorities and boards of education as provided in this or any other Act; and
 - (g) perform any other duties that are now assigned or that will, from time to time, be assigned to the board by statute or under statutory authority.
- (2) The board shall conduct an inquiry into the affairs, financial or otherwise, of any local authority, except a conservation and development area, or of any board of education if:
- (a) requested to do so by the minister responsible for that local authority or board of education and for the administration of the legislation pertaining to it;
 - (b) the local authority or board of education has, by resolution of the council, board of trustees, board of directors or other governing body of the local authority or board of education, made a request for an inquiry;
 - (c) the creditors interested in at least 25% of the indebtedness of the local authority or board of education request an inquiry by a petition in writing filed with the secretary of the board; or
 - (d) the board considers an inquiry to be advisable.

2012, c.11, s.2; 2013, c.17, s.12.

Determining matters of fact or law

- 20(1) The board has authority to hear and determine any question of fact or law as to matters within its jurisdiction.
- (2) The board may require employees of the Saskatchewan Assessment Management Agency, appraisers, assessors and other municipal officials to make any returns to the board with respect to any matter affecting assessment and taxation in any form that it considers advisable.
- (3) The board may appoint any person having technical or special knowledge of matters within the board's jurisdiction to act as a consultant or adviser to the board with respect to any relevant aspects of any matter before the board, and may fix the remuneration for services and the expenses of that consultant or adviser, and those persons shall not be considered employees of the board.
- (4) The board may appoint for advisory purposes committees consisting of persons deemed advisable with respect to any matters before the board or to confer with the board from time to time concerning matters of general interest in relation to the board's jurisdiction, and the members of the committees shall receive remuneration and reimbursement for expenses as may be determined by the board.
- (5) The board or any person authorized by it, in connection with any appeal, inquiry or matter before the board and on production of proper identification:
- (a) may enter on and inspect any land, premises or other place where an inspection and entry is considered by the board to be necessary for the purposes of determining any matter before it; and
 - (b) shall be given free access, at all reasonable times and on reasonable request, to all land, buildings, structures, machinery and fixtures erected or placed on, in, over, under or affixed to the land, and to all businesses, for the purpose of making an inspection thereof in connection with any matter before the board.
- (6) Where the board, or a person authorized pursuant to subsection (5) who complies with the requirements of that subsection, is refused entry as described in that subsection, the board may apply to a judge of the Court of Queen's Bench, and the court may issue an order authorizing that person to enter any land, premises or other place.
- (7) In any hearing, appeal, investigation or other proceeding before the board, the board is not bound by the technical rules of legal evidence.
- (8) The board may, in its discretion, accept and act on evidence by affidavit or written statement or by the report of a member of the board, other person or technical adviser appointed by it or obtained in any other manner that it may decide, provided that for an appeal those documents are provided at the hearing to both appellant and respondent.
- (9) The members of the board have all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013* with respect to any hearing, inquiry or other proceeding before the board.
- (10) No member or employee of the board shall be required to give testimony with regard to information obtained by him in the discharge of his duty in any civil suit to which the board is not a party.

(11) Sittings of the board, its committees or members, or persons appointed to carry out an inquiry or determine matters of fact may be made open to the public in the discretion of the board, committee, member or person.

(12) Notwithstanding subsection (11), hearings of the board and any committee of the board relating to any appeals shall be open to the public, unless the board or any committee of the board determines that a matter should be heard in the absence of the public.

(13) Where pursuant to statutory authority the board publishes in the Gazette a notice of its intention to hold an inquiry with respect to a local authority or board of education, the board may, where the board considers it appropriate in a particular case, grant permission to any person to commence or continue any specified action or proceeding, or to take a specified judgment enforcement measure, against the local authority or board of education, and on that permission being granted the statutory restrictions affecting actions and other proceedings and judgment enforcement measures against the local authority or board of education, resulting from or imposed in consequence of publication of the notice, shall cease to apply with respect to the permitted action, proceeding or levy, notwithstanding anything in any Act.

(14) None of the members, the secretary of the board nor any employee of the board is personally liable for anything done by the board or by him pursuant to this or any other Act.

1988-89, c.M-23.2, s.20; 2002, c.39, s.29; 2010, c.E-9.22, s.203; 2012, c.11, s.2; 2013, c.27, s.24; 2018, c.42, s.65.

Management of sinking fund

21 Where as provided by clause 19(1)(b), the board undertakes the management of the sinking funds of a local authority, it may for that purpose:

(a) exercise all the powers and authorities conferred on sinking fund trustees pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, as the case may be;

(b) invest the funds in the manner authorized by section 24 of *The Trustee Act, 2009*;

(c) borrow, without the consent of the local authority, from any person, for the purpose of making investments or redeeming debentures due or about to come due or to meet a payment of a sinking fund, and give a promissory note and pledge or hypothecate any stock, debentures or securities held by it, as security for the loan; and

(d) control and requisition the treasurer of the local authority and require him to deposit the sinking funds as required pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, as the case may be.

1988-89, c.M-23.2, s.21; 1998, c.40, s.15; 2005, c.M-36.1, s.440; 2009, c.T-23.01, s.68; 2010, c.N-5.2, s.458.

Debt applications from local authorities

22(1) Subject to the provisions of any other Act, when a local authority desires to provide for raising a loan by way of debenture or other long-term security for the purpose of any work or undertaking, the acquisition of property or any other object within its jurisdiction, the local authority shall make application to the board for permission to do so.

(2) In the case of a municipality, the application shall be made prior to or immediately after the first reading of a bylaw providing for the loan referred to in subsection (1), and before the bylaw is submitted to a vote of the persons entitled to vote on it.

(3) No further action shall be taken by the council on the bylaw for the raising of a loan until the authorization of the board has been obtained.

(4) A local authority, other than a municipality, shall follow the procedure for obtaining permission to borrow money prescribed by the Act that authorizes it to borrow.

(5) Every application shall be addressed to the secretary of the board and shall be accompanied by the documents prescribed by the various Acts governing the application and any other information that the board may require.

1988-89, c.M-23.2, s.22.

Consideration of debt applications

23(1) The board shall make a decision respecting an application to the board by a local authority respecting a loan.

(2) The board shall, in arriving at its decision, consider and take into account the following factors:

(a) the period over which the indebtedness may be spread, not to exceed the lifetime of the work or undertaking in respect of which the application is made;

(b) any provincial or other financial assistance that may be available in support of the work or undertaking for which the application is made, as may be estimated by the board;

(c) the economic and assessment bases on which the loan can be supported and the present and contemplated economic conditions in the community, with due allowance being given for change in the economic and assessment bases or conditions;

(d) the impact of the work or undertaking and of borrowing and other sources of financing for it on the total financial and budgetary position of the local authority;

(e) the impact of the work or undertaking and of borrowing for it on the revenue demands and taxation levels of the local authority;

(f) the level of services which the local authority is committed to provide and the estimated impact of the provision of those services on its ability to repay the loan over the period of repayment;

- (g) any outstanding long-term financial commitments of the local authority and, in particular but without restricting the generality of the foregoing, any outstanding debentures and existing obligations of the local authority with respect to superannuation plans;
 - (h) the nature, necessity and priority of the proposed work or undertaking in relation to planned future capital works or undertakings;
 - (i) the impact of the work or undertaking on annual operating and maintenance costs and the ability of the local authority to assume those costs in relation to the level of existing services and projected revenues; and
 - (j) any other matters that, in the opinion of the board, relate to the local authority's ability to assume the liability of the proposed loan.
- (3) In exercising the authority vested in it pursuant to subsection (2), the board may advise the local authority of the probable impact of approval of the proposed loan on the ability of the local authority to assume further indebtedness.
- (4) Where a local authority applies to the board for permission to borrow money by way of debenture or other security for any purpose in respect of which:
- (a) the approval of the Minister of Health is required pursuant to *The Public Health Act, 1994*; or
 - (b) the approval or consent of a member of the Executive Council or of a public official or of a board, a commission or an agency of the government is required pursuant to any Act;
- the board shall not grant the permission applied for unless the approval or consent, as the case may require, has first been obtained by the applicant and submitted to the board.
- (5) The board may hear all parties interested in the granting or refusing of an application.
- (6) Where the board has concluded an inquiry pursuant to this section, it shall prepare written reasons for its decisions.

1988-89, c.M-23.2, s.23; 1994, c.P-37.1, s.76.

FORMAL INQUIRIES AND SPECIAL POWERS AND PROVISIONS

Prerequisites to an inquiry

- 24(1)** Where pursuant to clause 19(2)(c) a petition for an inquiry from creditors of a local authority or board of education has been received, the board shall decide whether the requirements of clause 19(2)(c) have been satisfied, and the decision of the board shall be binding and conclusive on all persons.
- (2) Before undertaking an inquiry into the affairs of a local authority or board of education pursuant to subsection 19(2), the board shall:
- (a) prepare a written notice stating:
 - (i) the local authority or board of education respecting which the inquiry is to be undertaken;

- (ii) the purpose of the inquiry; and
 - (iii) the time when and place where the board will commence the inquiry; and
- (b) mail the notice mentioned in clause (a):
- (i) to the local authority or board of education;
 - (ii) to the minister responsible for the local authority or board of education; and
 - (iii) in the case of a petition pursuant to clause 19(2)(c), to the petitioners and any other creditors of the local authority or board of education that the board considers advisable.
- (3) The board shall cause, at the same time that the notice pursuant to subsection (2) is mailed, a similar notice to be published in one issue of the Gazette and in one issue of a newspaper circulated in the local authority.

1988-89, c.M-23.2, s.24; 2012, c.11, s.2.

Notice as a stay of action

25(1) When a notice of intention to hold an inquiry into the affairs of a local authority or board of education pursuant to subsection 19(2) has been published in the Gazette, that publication shall operate as a stay of all actions or proceedings pending against the local authority or board of education, or as a stay of execution, as the case may be, and no action or other proceeding against the local authority or board of education shall be commenced or continued nor shall judgment enforcement measures be taken against the local authority or board of education until the board orders that this section no longer applies.

(2) The board may at any time by order provide that no action or other proceeding shall be taken by the local authority or board of education to recover a sum due to it except with the written authority of the board, shall cause a notice of the order to be published in the Gazette and that publication shall operate as a stay of all actions or proceedings instituted or to be instituted by the local authority or board of education until the board orders that this section no longer applies and a notice of the last mentioned order has been published in the Gazette.

(3) The board may at any time by order provide that no action or other proceeding to acquire title to land pursuant to any tax sale or tax sales or pursuant to *The Tax Enforcement Act* shall be taken or continued by any person and shall cause a notice of the order to be published in the Gazette, and that publication shall operate as a stay of all actions and proceedings referred to in the order until the board otherwise orders and a notice of the last mentioned order has been published in the Gazette.

(4) Where the commencement of an action or the taking of any other proceeding is prevented or delayed by reason of this section, the time during which the prevention or delay continues shall not be computed for the purposes of any statute of limitations or any other Act or law limiting the time within which an action is required to be commenced or proceedings taken.

(5) A person having the right of action or right to take another proceeding shall, on the removal of the prevention or stay, have the same length of time within which to take action or proceed as he had when the prevention or stay came into operation.

1988-89, c.M-23.2, s.25; 2010, c.E-9.22, s.204;
2012, c.11, s.2.

Decision on inquiry

26(1) The board may adjourn an inquiry pursuant to subsection 19(2) or the further exercise of the powers of the board in respect of the affairs of the local authority or board of education from time to time and for those periods of time or *sine die* as the board considers appropriate.

(2) Where, on concluding an inquiry into the affairs of a local authority or board of education pursuant to subsection 19(2), the board decides that the local authority or board of education:

- (a) has failed to meet and pay any of its debentures or interest on the debentures when due;
- (b) has failed to meet and pay any of its other debts or liabilities when due and default in payment has been occasioned by financial difficulties; or
- (c) has serious financial difficulties that may result in default in meeting any of its financial obligations or other serious consequences;

the decision of the board shall be binding and conclusive on all persons and the local authority or board of education.

(3) Where, on concluding an inquiry into the affairs of a local authority or board of education pursuant to subsection 19(2), the board is satisfied, having regard to all the circumstances, that it is expedient and in the public interest to do so, the board may, in lieu of or in addition to making an order pursuant to this Act:

- (a) make any report to the appropriate minister or to the local authority or board of education as the nature of the case may require;
- (b) make recommendations to the local authority or board of education, its creditors or any of them as the board deems fit or to the appropriate minister for the relief of the local authority or board of education, for an adjustment of its debts or to address other matters considered in the inquiry; or
- (c) make recommendations to the appropriate minister or the Lieutenant Governor in Council that the local authority or board of education or its governing body be dissolved, disorganized, amalgamated or removed as permitted by statute, or otherwise dealt with as the board after the inquiry sees fit to recommend;

and shall forward a copy of the report or recommendations to all parties to whom notice was directed pursuant to subsection 24(2).

1988-89, c.M-23.2, s.26; 2012, c.11, s.2.

Orders re finances

27 If the board has made a decision respecting a local authority or board of education pursuant to subsection 26(2), the board may make an order:

- (a) providing for the supervision of the financial affairs of the local authority or board of education by the board or a person appointed by it;
- (b) directing how the whole or any part of the revenues of the local authority or board of education shall be applied or disposed of;

- (c) directing how the whole or any part of the surplus capital moneys of the local authority or board of education shall be applied or disposed of;
- (d) requiring the creation and setting aside of special reserves out of any portion of the revenues or surplus capital moneys of the local authority or board of education;
- (e) giving directions as to the custody, management, investment and application of any of the reserves and surpluses of the local authority or board of education;
- (f) prescribing and regulating the rates, rents, charges and fees to be charged, levied and collected for the services of municipal public works;
- (g) prescribing the fees to be charged for licences, permits, approvals or other authorizations;
- (h) directing that the local authority or board of education shall offset any indebtedness to it by any person or by another local authority or board of education, by retention of the whole or part of the moneys payable by it to the person or to the other local authority or board of education, as the case may, in the opinion of the board, require;
- (i) directing that a local authority may use any portion of its available funds as the board may specify for the purchase of debentures or debenture coupons, or both, heretofore or hereafter issued by another local authority, at the price or within the price limits and on any conditions that the board directs;
- (j) requiring the municipality to follow the ordinary procedure prescribed by the relevant municipal Act for the assessment of property and collection of taxes or to adopt the special provisions of that Act that may exist with regard to those matters;
- (k) varying, amending or rescinding any order made pursuant to this section or section 28 or the terms of any agreement, arrangement or compromise ratified and confirmed by the board pursuant to statutory authority;
- (l) giving directions as to and fixing the expenses of the inquiry and of any refunding or adjustment ordered by the board and of supervision of the financial affairs of the local authority or board of education; and
- (m) that the board deems necessary to carry into effect an order made pursuant to this Act or that, not being inconsistent with this Act, the board deems necessary or expedient for the purpose of giving effect to the general intent of this Act.

2012, c.11, s.2.

Orders re debt

28(1) If the board has made a decision respecting a local authority or board of education pursuant to subsection 26(2), the board may make an order:

- (a) authorizing the local authority to use any of its available funds for the purchase or the payment of its own debentures, notes or other outstanding securities and, in the case of registered debentures, payment shall be paid to the registered debenture holders as at the date of payment and in all other cases to the actual holders of the debentures;

- (b) making a finding of fact as to the capacity of the local authority or board of education to discharge its indebtedness;
- (c) ratifying and confirming any agreement, arrangement or compromise entered into or made by the local authority or board of education with its creditors or any of them respecting its debenture debt or other indebtedness or any portion of it and interest on it, and the ratification and confirmation by the board shall make the agreement, arrangement or compromise legal, valid and binding on all persons who are parties to it or affected by it;
- (d) with respect to the local authority, directing or permitting the cancellation, increase or decrease of or any other variation in the levy and collection of a levy, rate, tax, rent or charge imposed to meet, pay and discharge a debenture debt or other indebtedness, together with interest, and varying the basis, terms and times of payment of the levy, rate, tax, rent or charge;
- (e) notwithstanding any Act, bylaw or agreement, requiring that the local authority be relieved from or defer levying the whole or any portion of any rate that the board may direct:
 - (i) for any year or for a term of years; and
 - (ii) on any conditions that the board may direct;
- (f) directing that no levy of rates or sums imposed or required to be levied by the bylaws or other authorization under the authority of which outstanding debentures or any of them were issued shall be made, but the board may direct a continuation of the levies of rates or sums imposed on properties specially taxed under the authority of local improvement bylaws;
- (g) directing the consolidation of the whole or any portion of the existing debt of the local authority or board of education;
- (h) directing the consolidation as debt of the municipality of the whole or any portion of the existing debt of the municipality and of any local authority on whose behalf the municipality levies taxes;
- (i) authorizing or requiring the municipality to pay at any times and on any terms that the board may direct the whole or any portion of the debt consolidated pursuant to clause (h);
- (j) directing, without the passing of a bylaw or resolution as appropriate if the board so directs, the issue of debentures, notes or other forms of security by the local authority to secure payment of the whole or any portion of:
 - (i) the existing debt of the local authority: or
 - (ii) the amount of debt of the local authority consolidated pursuant to clause (h);
- (k) in the event of consolidation being directed pursuant to clause (h), giving directions for any reimbursement of or payment to the municipality by the local authority as the board may order, and authorizing or imposing tax levies for the raising of revenues with which to make the reimbursement or payment;
- (l) directing the issue of new debentures, notes or other forms of security in substitution and exchange for any outstanding debentures, accounts and any other indebtedness;

- (m) authorizing the local authority, after giving notice in the manner and form required by the board, to redeem at the time the board may direct, before maturity, all or any, as the board may direct, of the debentures previously issued by it and any attached coupons, and after the date fixed for redemption, interest on a debenture or coupon called for redemption shall cease unless the local authority defaults in making redemption;
 - (n) requiring acceptance by holders of or creditors interested in outstanding debentures, accounts or other indebtedness of new debentures, notes or other forms of security in substitution and exchange for them;
 - (o) effecting or directing the retirement of the whole or any portion of outstanding debentures concurrent with the issue of new debentures, notes or other forms of security in substitution;
 - (p) directing the postponement of or variation in the terms, times, places of payment of and in rates of interest on the whole or any portion of the debenture debt, outstanding debentures and other indebtedness;
 - (q) reducing the whole or any portion of the principal amount of the existing debt of the local authority or board of education, and of the interest due or accruing due on that debt;
 - (r) fixing the terms, conditions, times and places for exchange of cash or new debentures, notes or other securities, or any combination of them for outstanding debentures, notes or other securities or receipts for accounts;
 - (s) appointing a time and place at which outstanding debentures and debenture coupons or other securities or receipts for accounts may be presented for endorsement on them of any variations in or additions to their contents;
 - (t) directing the rebating or funding of arrears of interest payable on any debt of the local authority or board of education;
 - (u) fixing the terms and conditions including the time or times and place or places of payment and rate or rates of interest, if any, with respect to new debentures or notes to be issued by the local authority and prescribing the form of the new debentures or notes; or
 - (v) requiring or imposing the levy of any rates or sums as may be required to meet the accruing payments under new debentures or notes or other securities directed to be issued by or under any order of the board.
- (2) The board shall not exercise any powers conferred by clause (1)(l), (n), (o), (p), (q), (r), (t) or (u) with respect to a local authority if the exercise would affect debenture indebtedness under debentures issued after January 1, 1948 or authorized to be issued by the board, until:
- (a) the local authority, by resolution, requests the board to do so; and
 - (b) the creditors interested in at least 51% of the debenture indebtedness have filed with the secretary of the board a petition in writing that the board exercise those powers or any of them, giving in the petition the name and post office address of each petitioner.
- (3) On receipt of a request and the filing of a petition mentioned in subsection (2), the board may exercise the powers or any of them mentioned in that subsection.

Orders re annual estimates

29(1) If the board has made a decision respecting a local authority or board of education pursuant to subsection 26(2), the board may, by order, require the local authority or board of education to submit annually or otherwise to the board for review and approval a statement of the annual estimates of expenditures of the local authority or board of education and also the rate or rates proposed to be struck for the then current year, and the board may alter or vary, increase or decrease the estimates or rates.

(2) The estimates and rates of the local authority or board of education shall not become effective nor shall any bylaw be passed by the local authority or board of education with respect to them until they have been reviewed and approved by the board, but when so approved they shall be final and binding on the local authority or board of education, as the case may be.

(3) If the local authority or board of education applies the funds at its disposal otherwise than as authorized by the board, the members or directors of the local authority or board of education who vote for the application shall be jointly and severally liable for the amount diverted and that amount may be recovered by the local authority or board of education by action in any court of competent jurisdiction.

(4) If the local authority or board of education, on the request in writing of a ratepayer or of the holder of any of the debentures of the local authority or board of education, refuses or neglects for 30 days from the date of receipt of the request to bring an action, the action may be brought either by a taxpayer on behalf of himself and other ratepayers or by a debenture holder.

(5) The members or directors of the local authority or board of education who vote for an application mentioned in subsection (3) shall be disqualified from holding office for two years.

(6) If the board has made an order pursuant to subsection (1), the order remains in effect until the board makes an order pursuant to subsection 65(1).

2012, c.11, s.2.

30 Repealed. 2001, c.23, s.7.**Appointment of administrator**

31(1) The board may recommend to the Lieutenant Governor in Council the removal from office of the members of a council of a municipality, the members of a board of education or the members of an area authority of a conservation and development area in respect of which the board has made a decision pursuant to subsection 26(2) and the appointment of an administrator for the local authority or board of education.

(2) The Lieutenant Governor in Council may make an order removing from office the members of a council of a municipality, the members of a board of education or the members of an area authority of a conservation and development area recommended pursuant to subsection (1) and appointing an administrator, and may in the order fix the salary of the person appointed and assign duties to be performed by the person.

(3) This section applies notwithstanding any other Act.

- (4) An administrator appointed pursuant to subsection (2) shall have all the powers and may perform all the duties of a council of a municipality, board of education, or the members of an area authority and of all or any of the officials of the local authority, or board of education, as the case may be, and shall be responsible for that performance to the board whose orders and directions he carries out.
- (5) An administrator appointed pursuant to subsection (2) shall pay the expenses of administration, including his salary, out of the funds of the local authority or board of education, as the case may be.

1988-89, c.M-23.2, s.31; 2001 c.23, s.7; 2002,
c.R-8.2, s.86; 2012, c.11, s.2.

Other powers

32(1) The board may, by order, subject to any terms and conditions it considers appropriate, provide for an adjustment of the liabilities of a local authority or board of education with respect to which the board has made a decision pursuant to subsection 26(2) to another local authority or board of education, or of any person to any local authority or board of education, and that adjustment shall be final and binding on the local authorities or boards of education affected and the person.

(2) The board may, subject to any terms and conditions it considers advisable, order a local authority or board of education in respect of which the board has made a decision pursuant to subsection 23(2) to grant a discount on current taxes.

(3) No discount, abatement or compromise shall be granted by the local authority or board of education without the previous order of the board.

(4) The board may order that the municipal Act governing a municipality, or *The Tax Enforcement Act*, with reference to the sale and disposal of the lands of a municipality, shall not apply to any lands of a municipality whose affairs are the subject of an inquiry pursuant to subsection 19(2) and may by order authorize the sale of those lands by public auction or private contract in any manner and on any terms and conditions it considers appropriate.

1988-89, c.M-23.2, s.32; 2001, c.23, s.7; 2012,
c.11, s.2.

STATED CASES AND OBJECTIONS

Appeal by stated case

33(1) The board may, on its own initiative, submit a stated case on questions of law or jurisdiction, arising in connection with a matter that is before the board, for a decision of the Court of Appeal.

(2) Where the board initiates referral of a stated case, the board shall:

(a) reserve its decision until the decision of the Court of Appeal has been given; and

(b) after the decision, determine the matter in accordance with that decision.

(3) The Court of Appeal may, if it thinks appropriate, cause any stated case to be remitted to the board for amendment and the board shall amend the stated case accordingly.

- (4) On the hearing of the case, the Court of Appeal may draw any inferences that are not inconsistent with the facts expressly found by the board and are necessary for determining the question of law or jurisdiction, and shall certify its opinion to the board and the board shall make an order or decision in accordance with that opinion.
- (5) After the receipt of the decision of the Court of Appeal on a stated case, the board shall notify the appellant and any interested party to the appeal of the court's decision.

1996, c.51, s.7

Other appeal

33.1 Any person affected by an order, decision or determination of the board may appeal to the Court of Appeal against the order, decision or determination on a question of law or on a question concerning the jurisdiction of the board:

- (a) within:
- (i) 30 days after the date on which the order, decision or determination is made; or
 - (ii) any further time, not exceeding 30 days, that a judge of the Court of Appeal may allow on an application made within 30 days after the date on which the order, decision or determination is made; and
- (b) with leave of a judge of the Court of Appeal.

1996, c.51, s.7

Procedure

33.2(1) The appellant shall, within the period provided in sub-clause 33.1(a)(i), serve notice of the application for leave to appeal on all parties to the matter before the board giving rise to the appeal and on the board, and the board shall, within 20 days of being served with the notice, transmit to the registrar of the Court of Appeal a copy of the order, decision or determination appealed from, duly certified by the chairperson or secretary of the board, together with all documents filed with the board in connection with the subject-matter of the appeal.

- (2) An order granting leave to appeal:
- (a) for the purposes of any appeal pursuant to section 33.1 is deemed to be a notice of appeal;
 - (b) must state the grounds of the appeal; and
 - (c) must be served on the respondent or his or her solicitor within 15 days from the date of the order giving leave to appeal.
- (3) Subject to the provisions of this section and sections 33.1 and 33.3, the rules of the Court of Appeal apply, with any necessary modification, to an appeal pursuant to section 33.1 as if it were an appeal from a judge of the Court of Queen's Bench, but no appeal books are required.
- (4) The board may charge a reasonable fee for copying any documents required for the purposes of an appeal.

1996, c.51, s.7

Stay

33.3 All proceedings under an order, decision or determination appealed from pursuant to section 33.1 may be stayed by the judge hearing the application for leave to appeal, for any time and on any conditions that the judge may determine.

1996, c.51, s.7

Objections

34(1) A person affected by, and who objects to an order made pursuant to clause 27(k) or clause 28(1)(l), (o), (q), (r), (t) or (u) may before the expiration of 60 days after the date of publication of the order in the Gazette, give to the board notice of his objection, specifying in what particulars he objects to the order, and apply for a hearing.

(2) On receipt of an application pursuant to subsection (1), the board shall fix a time and place for a hearing and shall give notice of the time and place of the hearing to the applicant and to other interested persons as it considers proper.

(3) At the hearing the board shall give to all interested persons who appear an opportunity to uphold the order or to object to it.

(4) During or after the hearing, the board may rescind the order or vary or confirm its terms, and the board's decision shall be final and binding on all persons affected by it.

(5) Notwithstanding section 43, an order made pursuant to a clause mentioned in subsection (1) shall, unless rescinded or varied by the board or unless an application for a hearing is made in accordance with subsection (1), become effective and binding on all persons affected by it on the expiration of 60 days after the date of publication of it in the Gazette.

1988-89, c.M-23.2, s.34.

NOTICES OF PROCEEDINGS OF BOARD

Notice of certain appeals

35 The board shall notify the Saskatchewan Assessment Management Agency in advance of the date, time, place and subject of all appeals that are commenced pursuant to clause 16(1)(a), (b) or (d) and that agency shall be considered to be a party to the appeals.

1988-89, c.M-23.2, s.35; 2013, c.17, s.13.

Notice of applications and hearings

36(1) The board may require notice of an application to or hearing by the board to be given as may be deemed requisite, subject to subsection 24(2) and the requirements of any other Act, but shall ensure that all interested parties as may be determined by the board are given reasonable prior notice of matters before the board.

(2) When the board is authorized to hear a financial or debt related application pursuant to section 19 or pursuant to any provision of any other Act or to make an order on notice to the parties interested, it may, on the ground of urgency or for other reason appearing to the board to be sufficient, notwithstanding any want of or insufficiency in the notice, make the same order or decision in the matter as if due notice had been given to all parties, and the order or decision shall be as valid and take effect in all respect as if made on due notice.

(3) A person entitled to notice and not notified or not sufficiently notified may, at any time within 10 days after becoming aware of an order or decision made pursuant to subsection (2) or within any further time as the board may allow, apply to the board to vary, amend or rescind the order or decision, and the board shall, on notice to other parties interested as it may in its discretion think desirable, hear the application and either amend, alter or rescind the order or decision or dismiss the application, as the board considers just.

1988-89, c.M-23.2, s.36.

Execution of notices

37 Subject to the requirements of any other Act, a notice required or authorized to be given in writing:

- (a) by the board, may be signed by the chairperson, any other member or the secretary of the board;
- (b) by any other person appointed by the board, may be signed by that person.

1988-89, c.M-23.2, s.37; 2015, c.21, s.64.

Service

38 Subject to the requirements of any other Act, a notice required to be given to, a local authority, board of education or other corporation, a co-partnership, a firm or an individual shall be deemed to be sufficiently given by delivering the notice, or a copy of it, within the time, if any, limited for giving the notice:

- (a) in the case of a local authority, to the office of the local authority;
- (a.1) in the case of a board of education, to the office of the board of education;
- (b) in the case of any other corporation, to the president, vice-president, manager or secretary or to a person in its employ at its head office;
- (c) in the case of a firm or co-partnership, to a member thereof or, at the last known place of residence of a member, to any adult member of his household or, at the office or place of business of the firm, to a person in its employ; and
- (d) in the case of an individual, to him or, at his last known place of residence, to an adult member of his household or, at his office or place of business, to a person in his employ.

1988-89, c.M-23.2, s.38; 2001, c.23, s.7; 2012, c.11, s.2.

Publication of notice

39(1) Subject to the requirements of any other Act, if in any case within the jurisdiction of the board, it is made to appear to the satisfaction of the board that service of a notice cannot conveniently be made in the manner provided in section 38, the board may order and allow service to be made by publication in one issue of the Gazette and, if the board considers it desirable, in one issue of a newspaper circulating in the area under the administration of the local authority or board of education, as the case may be.

(2) Publication of a notice in the manner provided by subsection (1) is equivalent to service of the notice in the manner provided in section 38.

1988-89, c.M-23.2, s.39; 2012, c.11, s.2.

ORDERS OF BOARD**Finality**

40(1) Except where otherwise specifically provided:

- (a) every decision or order of the board is final; and
- (b) no order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court.

(2) Notwithstanding subsection (1), the board may rehear a financial or debt-related application pursuant to subsection 19(1) or (2) or any other Act before deciding it, or may review, rescind, change, alter or vary a decision or order made by it respecting the application.

(3) The authority vested in the board by subsection (2) may be exercised by the board on its own initiative and, where the board receives a written request from a local authority to review and reconsider a decision or order made by the board on a financial or debt-related application pursuant to subsection 19(1) or (2) or any other Act made by the local authority, the board shall review and reconsider the matter and may rescind, change, alter or vary its decision or order.

(4) A request mentioned in subsection (3) shall be made within 30 days of the date of the board's decision or order.

(5) Notwithstanding subsection (1), the board may review, rescind, change, alter or vary any decision, approval or order made by it within one year of making the decision:

- (a) if the board's original decision, approval or order was based on a mistake in calculation or on a clerical error;
- (b) if the board's original decision was based on incorrect information supplied to it by another person or organization; or
- (c) if the board's original decision was based on an understanding of the law that differs from the law as subsequently expressed in a ruling of the Court of Appeal or the Supreme Court of Canada.

(6) With the consent of the parties, the board may review, rescind, change, alter or vary a decision, approval or order pursuant to subsection (5), notwithstanding that an appeal of the decision, order or approval to the Court of Appeal has been commenced or that a case has been stated.

1988-89, c.M-23.2, s.40; 1996, c.51, s.8; 1997,
c.13, s.4

Requiring or forbidding acts

41 In matters within its jurisdiction the board may order and require any person, local authority or board of education to do, within any time and in any manner specified by the board, any act, matter or thing that the person, local authority or board of education may be required to do pursuant to any Act, and the board may forbid the doing or continuing of any act, matter or thing in contravention of that Act or of any regulation, order or direction of the board.

1988-89, c.M-23.2, s.41; 2012, c.11, s.2.

Receivers, etc., bound

42 The appointment of a receiver or other official by a court does not prevent the exercise by the board of its jurisdiction and every receiver or other official shall be bound by the regulations and orders of the board and obey those regulations and orders and may be subject to having them enforced against him.

1988-89, c.M-23.2, s.42.

When effective

43 An order of the board takes effect at the time prescribed by the order or, if no date is prescribed, on the date of its publication in the Gazette, and the operation of the order is not suspended by the board rehearing the matter that gave rise to the order or by an appeal as a stated case to the Court of Appeal unless otherwise ordered by the Court of Appeal but, if the board thinks fit, the board may suspend the operation of its order, when appealed from, until the decision of the Court of Appeal is rendered.

1988-89, c.M-23.2, s.43; 2013, c.17, s.14.

Effective time or on certain event

44 The board may direct in any order that the order, or any portion or provision of it, shall come into force at a future fixed time, on the happening of any contingency, event or condition specified in the order or on the performance, to the satisfaction of the board or person named by it for the purpose, of any terms that the board may impose on an interested party, and the board may direct that the whole or any portion of the order shall have force for a limited time or until the happening of a specified event.

1988-89, c.M-23.2, s.44.

Interim, without notice orders

45(1) The board may, instead of making an order final in the first instance, make an interim order and reserve further direction, either for an adjourned hearing of the matter or for further application.

(2) The board may, if the special circumstances of any case, in its opinion, so require, make an interim order without notice authorizing, requiring or forbidding anything to be done that the board would be empowered on application, petition, notice and hearing to authorize, require or forbid, but no interim order without notice shall be made for a longer time than the board considers necessary to enable the matter to be heard and determined.

1988-89, c.M-23.2, s.45; 2018, c.42, s.33.

Whole or partial relief

46 On any financial or debt related application to the board, the board may make an order granting the whole or part only of any application or may grant any further or other relief in addition to, or in substitution for, that applied for as the board considers just and proper, as fully and in all respects as if the application had been for the partial, further or other relief.

1988-89, c.M-23.2, s.46.

Extending time

47 When any work, act, matter or thing is, by any regulation, order or decision of the board, required to be done, performed or completed within a specified time, the board may, if the circumstances of the case in its opinion so require, on giving notice as it considers reasonable or, in its discretion, without notice, extend the time so specified and may extend the time either before or after the specified time expires.

1988-89, c.M-23.2, s.47.

Basis of jurisdiction not required

48 An order of the board need not show on its face that any proceeding or notice was held or given, or that any circumstance existed, necessary to give it jurisdiction to make the order.

1988-89, c.M-23.2, s.48.

Orders valid for one year

49 Subject to *The Local Improvements Act, 1993*, every order of the board authorizing an act to be done by a local authority or board of education shall, if the act is not done cease to have effect at the expiration of one year from its date unless further extended by the board.

1988-89, c.M-23.2, s.49; 1993, c.L-33.1, s.64;
2012, c.11, s.2.

Service of order

50 Subject to the requirements of any other Act, every order made by the board shall be served on the person or party affected within 10 days from the time the order is signed by the chairperson or a member of the board, or within any longer time that the board may direct, either before or after the expiration of the 10-day period, but the implementation of any order of the board is not delayed by the failure to serve the order.

1988-89, c.M-23.2, s.50; 2015, c.21, s.64.

Service of documents

51 An order, direction, decision, report or other document of the board may, unless otherwise provided in any other Act or regulation, be served in the same manner as a notice may be given pursuant to section 38.

1988-89, c.M-23.2, s.51; 1989-90, c.54, s.4.

Substantial compliance sufficient

52 Except in the case of appeals heard by the board, a substantial compliance with the requirements of this or any other Act is sufficient to give effect to all the orders, rules, acts, regulations or decisions of the board and they are not inoperative, illegal or void for any omission of a technical nature in respect of them.

1988-89, c.M-23.2, s.52.

Filing with Queen's Bench

53(1) A certified copy of any order of the board may be filed in the office of a local registrar of the Court of Queen's Bench and is on filing enforceable in the same manner as a judgment or order of that court, but the board may nevertheless rescind or vary, as the case requires, any copy of an order filed when the original order is rescinded or varied.

(2) In an application to a court arising out of the failure to comply with an order of the board, the court may refer any question concerning compliance to the board.

(3) An application to enforce an order of the board may be made to a court by and in the name of the board and the court is bound by the findings of the board and shall make any order that may be necessary to cause compliance with the order of the board.

(4) The board may in its own name appeal any judgment, decision or order of any court affecting any of its orders.

1988-89, c.M-23.2, s.53.

Board authorization to act

54 If default is made by any person, local authority or board of education in the doing of an act, matter or thing that the board has authority, pursuant to this or any other Act, to direct and has directed to be done, the board may authorize any person as it sees fit to do the act, matter or thing, and in that case the person so authorized may do the act, matter or thing, and the expense incurred in the doing of it may be recovered from the person, local authority or board of education in default as money paid for and at the request of that person, local authority or board of education and the certificate of the board of the amount expended shall be conclusive evidence of that amount.

1988-89, c.M-23.2, s.54; 2012, c.11, s.2.

Enforced by sheriff

55(1) The observance of any order of the board may be enforced by a written direction to the sheriff acting at any judicial centre endorsed on or annexed to a certified copy of the order and signed by the chairperson of the board.

(2) In the case of an order for payment of any money, costs, expenses or penalty, the sheriff receiving the direction shall levy the amount with his costs and expenses in the same manner and with the same powers as if the order were a judgment against the goods of the party required by the order to make payment issued out of the Court of Queen's Bench.

1988-89, c.M-23.2, s.55; 2010, c.E-9.22, s.205;
2015, c.21, s.64.

Order for payment registered against land

56(1) In the case of an order of the board for payment of any money, costs, expenses or penalty, a certificate of the order, signed by the secretary, may be registered as an interest based on that order in the Land Titles Registry.

(2) An order, in respect of which an interest is registered pursuant to subsection (1), constitutes a lien and charge on any lands or interest therein of the party or person or corporation ordered to pay the money, to the same extent and in the same manner as those lands would be bound by the registration of a judgment issued out of the Court of Queen's Bench for Saskatchewan.

(3) The amount ordered to be paid by an order in respect of which a certificate is registered pursuant to subsection (1) may be realized in the same manner and by similar proceedings as the amount of a judgment issued out of the Court of Queen's Bench may be realized.

1988-89, c.M-23.2, s.56; 2000, c.L-5.1, s.346;
2001, c.23, s.7; 2010, c.E-9.22, s.206.

Officers to assist

57 Sheriffs, deputy sheriffs, bailiffs, police officers and other peace officers, when required to do so, shall aid, assist and obey the board in the exercise of the jurisdiction conferred on the board by this Act.

1988-89, c.M-23.2, s.57.

COSTS IN PROCEEDINGS BEFORE THE BOARD

Costs

58(1) The costs of and incidental to any proceeding before the board, including costs incurred by the board, except as otherwise provided in this or any other Act, shall be in the discretion of the board, and the board may, by order:

- (a) fix the costs in any case at a sum certain or tax the costs;
- (b) direct by whom and to whom any costs are to be paid, and by whom any costs are to be taxed and allowed; and
- (c) prescribe a scale under which costs shall be taxed.

(2) Where any costs assessed pursuant to subsection (1) are not paid within a period of 30 days from the date the party being assessed is so notified, the secretary of the board may file a certified copy of the order fixing the costs in the office of the local registrar of the Court of Queen's Bench at the judicial centre nearest to the place where the proceeding was held and the order is on filing enforceable in the same manner as a judgment or order of the court.

(3) Any amounts collected pursuant to subsections (1) and (2) on account of costs incurred by the board form part of the consolidated fund.

1988-89, c.M-23.2, s.58.

DOCUMENTS AS EVIDENCE

Board documents, judicial notice of

59(1) Every document purporting to be signed by the chairperson, secretary or a member of the board, or by a person authorized, directed or appointed pursuant to subsection 20(10), is admissible in all courts in Saskatchewan as *prima facie* evidence of its content and that it was duly signed, without proof of the signature or official character of the person appearing to have signed it, and is sufficient notice to all parties interested and to a corporation, if duly served with the document, that the document was so signed and was issued by the board or other person, as the case may be.

(2) Where a document described in subsection (1) purports to be a copy of any regulation, order, direction, decision or report made or given by the board, or a person authorized, directed or appointed pursuant to subsection 20(10), it is admissible in all courts as *prima facie* evidence of the regulation, order, direction, decision or report and, when duly served, is sufficient notice of the regulation, order, direction, decision or report from the time that it is so served.

(3) Any document certified by the secretary as being a copy of a document filed in the office of the board is admissible in all courts in Saskatchewan in the same manner as the original, and the effect of this certification is that the document has been filed in the office of the board and that it is signed, certified, attested or executed by the persons by whom and in the manner it purports to be and, if the certificate states the time when the original was so filed, that the original was filed with the board at the time so stated.

(4) Every written or printed document purporting to have been issued or authorized by a corporation or an officer, agent or employee of a corporation, or any other person or corporation for or on its behalf, shall, as against the corporation, be received as prima facie evidence of the issue of the document by the corporation, and of its contents, without any further proof than the mere production of the document.

1988-89, c.M-23.2, s.59; 2015, c.21, s.64.

EFFECT ON DEBENTURE DEBT

Borrowing powers not affected

60 No portion of the debenture indebtedness of a local authority or board of education represented by the debentures retired shall, after the order of the board for exchange or other disposition of the outstanding debentures, form part of the general debt of the local authority or board of education within the meaning of any Act or Acts limiting the borrowing powers of the local authority or board of education and it shall not be necessary to recite the amount of the loan secured by the outstanding debentures.

1988-89, c.M-23.2, s.60; 2012, c.11, s.2.

Actions and proceedings prohibited

61(1) On an order of the board directing the exchange, calling in or withdrawal of debentures or accounts outstanding at the date of the order, no action or other proceeding shall be maintained by or on behalf of the holders of debentures issued or on any account existing prior to the date of the order or of coupons to the debentures.

(2) A judgment recovered in respect of any debenture, account or coupon mentioned in subsection (1) is not be enforceable against the local authority, its property or effects and it is a sufficient defence to an action or proceeding in respect of any debenture, account or coupon mentioned in subsection (1) to state that any new debenture or debentures issued pursuant to this Act have been duly lodged or tendered as directed by the board.

1988-89, c.M-23.2, s.61.

AUDIT AND AFFAIRS OF BOARD

Audit

62 The Provincial Auditor for Saskatchewan, or any other auditor that may be designated by the Lieutenant Governor in Council, shall audit the records and accounts of the board annually or at any other time that the Lieutenant Governor in Council may require.

1988-89, c.M-23.2, s.62.

Annual report

63(1) The board shall, in the month of January each year, prepare and submit to the minister, a report for the year ending on December 31 previous showing:

- (a) the applications and appeals to the board and summaries of the decisions and orders made;
- (b) the number and nature of the inquiries that the board has held of its own motion;
- (c) any other matters addressed by the board; and
- (d) any matters as the Lieutenant Governor in Council may prescribe.

(2) The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each report received by him pursuant to subsection (1).

1988-89, c.M-23.2, s.63; 2014, c.E-13.1, s.62.

Funds of board

64(1) All moneys received by the board from any source whatever, other than moneys received in trust, form part of the consolidated fund.

(2) All moneys received by the board and all moneys expended by the board shall be accounted for in accordance with any orders that may be made and any directives that may be issued by Treasury Board.

(3) All expenditures relating to or incurred by the board in the administration of its functions shall be chargeable to and payable out of any moneys appropriated for the purpose by the Legislature.

1988-89, c.M-23.2, s.64.

TERMINATION OF INQUIRY

Order to terminate

65(1) Where the board has been requested or petitioned to undertake an inquiry into the affairs of a local authority or board of education pursuant to subsection 19(2), it may, at any time, make an order directing that on and from a date fixed in the order, no further action will be taken by the board in respect of the inquiry.

(2) Where the board makes an order pursuant to subsection (1) in respect of a local authority or board of education, the inquiry into the affairs of a the local authority or board of education is terminated and none of the provisions of this Act relating to a local authority or board of education whose affairs were subject to an inquiry pursuant to subsection 19(2) apply unless a further request or petition is received by the board.

1988-89, c.M-23.2, s.65; 2012, c.11, s.2.

GENERAL

Continued application

66 The provisions of any other Act relating to a local authority or board of education whose affairs are subject to an inquiry pursuant to subsection 19(2) are, except insofar as those provisions are inconsistent with this Act, applicable to the local authority or board of education.

1988-89, c.M-23.2, s.66; 2012, c.11, s.2.

Authorization of debentures

67(1) All debentures issued by local authorities on the authorization of the board shall contain, in addition to the other particulars required by law, a note or memorandum under the seal of the board, signed by the chairperson or in his or her absence by one of the other members of the board, authorizing the issue.

(2) Nothing in this Act affects any of the provisions of any other Act concerning the countersigning of debentures by a minister or deputy minister.

1988-89, c.M-23.2, s.67; 2015, c.21, s.27; 2015, c.21, s.64.

Form of bylaws, etc.

68(1) Notwithstanding this or any other Act, any bylaws passed or debentures, notes or other forms of security issued pursuant to the authorization of the board by a local authority or board of education in respect of which the board has made a decision pursuant to subsection 26(2) shall be in any form as may be approved by the board and may contain any special privilege of redemption and surrender.

(2) No irregularities in the form of any of the debentures, notes or other securities issued by a local authority or board of education referred to in subsection (1) or in a bylaw authorizing the issue of them or any other bylaw relating to them renders the debentures, notes or other securities invalid or available as a defence to an action against the local authority or board of education for the recovery of the amount of or interest on the debentures, notes or other securities or any part of them.

(3) It is not necessary that any of the bylaws for the issue of debentures authorized to be issued by the board be submitted to, or receive the assent of, the ratepayers otherwise entitled to vote on them.

(4) Notwithstanding any other Act but subject to the written consent of the appropriate member of the Executive Council and the mayor or reeve of a municipality, the board may authorize or direct that with respect to debentures to be issued, the seal of the municipality and any required signatures or countersignatures may be reproduced on the debentures mechanically or otherwise, and they shall have the same force and effect as if done in accordance with the provisions of the relevant municipal Act.

(5) Subject to the approval of the board and on any terms and conditions as the board may prescribe, the local authority or board of education may at any time give notice of its intention to redeem before maturity all of the debentures issued by it as authorized by the board and all or any of the coupons attached to the debentures.

(6) The form and contents of the notice mentioned in subsection (5) and the manner in which it shall be given shall be prescribed by the board and, on the expiration of the time fixed by the notice for redemption of a debenture or coupon, they shall become redeemable by payment of the amount owing at the expiration of the time so fixed.

(7) On and from the date fixed for redemption, interest on a debenture or coupon called for redemption on that date shall cease, unless the local authority or board of education defaults in making the redemption in which case interest accrues and is payable on the debenture or coupon as if notice of intention to redeem had not been given.

1988-89, c.M-23.2, s.68; 2012, c.11, s.2.

Furnishing information

69(1) Notwithstanding any other Act, the officials of a local authority or board of education to whom the board makes application for statements, reports, copies of documents or information of any kind shall furnish the required statements, reports, copies or information to the board without charge.

(2) Notwithstanding any other Act, the Registrar of Titles shall furnish the board with any certified copies of documents as the board may require, without charge, and the board and any member or official of the board authorized by the board may at any time search in the public records of the Land Titles Registry without charge.

1988-89, c.M-23.2, s.69; 2000, c.L-5.1, s.347;
2012, c.11, s.2.

Publication of orders, etc.

70(1) The board shall publish in the Gazette every order made pursuant to section 27 or 28 within 15 days after the order was made.

(2) **Repealed.** 2013, c.17, s.15.

1988-89, c.M-23.2, s.70; 2013, c.17, s.15.

Decisions

71 In the case of appeals on any matter, the board shall:

(a) render its decision in writing, signed by the chairperson, or in his or her absence the vice or acting chairperson and the secretary, or by the chairperson of a committee of the board and the secretary;

(b) set out the finding of fact on which the decision was made;

(c) state the reasons for the decision; and

(d) send a copy of the decision to each party to the appeal and other interested parties as may be determined by the board or to parties to whom notice of the appeal to the board is required to be served pursuant to any Act or any regulations.

1988-89, c.M-23.2, s.71; 2015, c.21, s.27 and
s.64.

Manual, etc., amended

72(1) Repealed. 1996, c.51, s.9.

(2) Unconfirmed assessment rolls, property tax rolls and, where applicable, equalized assessments of a municipality shall be amended by the municipality or the Saskatchewan Assessment Management Agency, as the case may require, to reflect the decisions or orders of the board.

1988-89, c.M-23.2, s.72; 1996, c.51, s.9

Copies

73 The secretary shall make available, on the request of any person and subject to payment of any prescribed fees, copies of the decision of the board on an appeal, any report of an inquiry or any other official documents related to an appeal.

1988-89, c.M-23.2, s.73.

Fees for documents

74 The board may by regulation prescribe fees to be charged for copies of documents, reports, regulations, decisions, orders, transcripts or other records from hearings, inquiries or appeals of the board which may be obtained by any person on application to the secretary to the board, subject to this and any other Act.

1988-89, c.M-23.2, s.74.

Fees and deposits for costs

75(1) Subject to section 58, the board may by regulation prescribe fees or deposits in anticipation of costs to be charged for applications for approval of debentures, for hearing appeals of any kind and for other matters that come before the board, and rules respecting the time and manner in which payment or reimbursement of any fees or deposits shall be made.

(2) Any prescribed fee for an assessment appeal filed with the appeal board:

- (a) prior to the coming into force of this subsection must be paid within 30 days following the coming into force of this subsection; or
- (b) after the coming into force of this subsection must be paid within the applicable period for giving notice of appeal.

(3) Where the fee is not paid pursuant to subsection (2), the appeal shall be deemed to be dismissed and any further right of appeal extinguished.

1988-89, c.M-23.2, s.75; 1996, c.51, s.10.

Interested persons

76 The decision of the board as to whether any person is or is not an interested party within the meaning of any of the provisions of this Act is binding and conclusive upon the person.

1988-89, c.M-23.2, s.76.

OFFENCE AND PENALTY

Violation of Act, etc.

77 Every person who contravenes any provision of this Act or any order, regulation or direction of the board for which no other penalty is provided by law is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 and in default of payment to imprisonment for a term of not more than six months.

1988-89, c.M-23.2, s.77.

REGULATIONS

Power of Lieutenant Governor in Council to make

78 The Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) extending the time within which any of the provisions of this Act may be complied with;
- (c) prescribing additional provisions relating to the transfer of employees to the board from:
 - (i) the Local Government Board established pursuant to *The Local Government Board Act*;
 - (ii) the Provincial Planning Appeals Board continued pursuant to *The Planning and Development Act, 1983*;
 - (iii) the Saskatchewan Assessment Appeal Board continued pursuant to *The Assessment Management Agency Act*;
- (d) governing the conducting or continuation by the board or a committee of the board of any authority, appeal, application, approval or other responsibility in respect of which The Local Government Board or the Provincial Planning Appeals Board has, pursuant to any Act or other law, jurisdiction on the day on which this Act comes into force;
- (e) prescribing the inclusion of any matters he deems appropriate in the annual report of the board;
- (f) prescribing any investigations, reports and duties that the board shall conduct or perform in addition to any assigned by any Act;
- (g) governing the procedure to be followed with respect to any proceeding or thing authorized by this Act in any case where the provisions of this Act are insufficient or inapplicable;
- (g.1) prescribing the qualifications to be possessed by any person to be eligible to be appointed a full-time member or part-time member of the board;
- (h) respecting any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (i) respecting any other matter or thing that he considers necessary or advisable to carry out effectively the intent and purposes of this Act.

1988-89, c.M-23.2, s.78; 1991, c.8, s.5.

TRANSITIONAL AND REPEAL

Transitional

79 A reference in any statute, order in council, regulation, order, authorization, legal process, proceeding or other document or record to:

- (a) the Local Government Board;
- (b) the Provincial Planning Appeals Board;
- (c) the Saskatchewan Assessment Commission or the Saskatchewan Assessment Appeal Board;

is deemed to be a reference to the Saskatchewan Municipal Board.

1988-89, c.M-23.2, s.79.

Committee for section 81

80 The members of the Saskatchewan Assessment Appeal Board holding office on the day on which this Act comes into force are hereby constituted a committee to the board for the purposes of section 81.

1988-89, c.M-23.2, s.80.

Members of committee, jurisdiction

81 Any authority, appeal, application, approval, responsibility or other matter that, as a matter of law, is, within the jurisdiction of the Saskatchewan Assessment Appeal Board on the day on which this Act comes into force shall be continued, exercised and completed by the committee constituted by section 80 in accordance with the statutory provisions in force at the time of its commencement as if this Act had not come into force and the former provisions had remained in force.

1988-89, c.M-23.2, s.81.

Orders, etc., remain

82 Subject to any right of appeal and to any other Act or law, every decision, order, rule, regulation, schedule, fee or other requirement of:

- (a) the Local Government Board;
- (b) the Provincial Planning Appeals Board; and
- (c) the Saskatchewan Assessment Appeals Board;

that exists on the day before the day on which this section comes into force remains in effect until replaced, amended or superseded pursuant to this Act.

1988-89, c.M-23.2, s.82.

Termination of appointments

83 Notwithstanding any other Act or law, the Lieutenant Governor in Council may terminate the appointment of any person as a member of The Local Government Board, the Provincial Planning Appeals Board or the Saskatchewan Assessment Appeal Board.

1988-89, c.M-23.2, s.83.

Repeal

- 84(1)** *The Local Government Board Act* is repealed.
- (2) *The Local Government Board (Special Powers) Act* is repealed.
- (3) *The Local Government Board (Temporary Special Powers) Act* is repealed.
- (4) *The Sewage Drainage Inquiry Act* is repealed.
- (5) Sections 25 to 29, sections 31 to 37, and clause 42(1)(a) of *The Assessment Management Agency Act* are repealed.
- (6) Sections 22 to 38 of *The Planning and Development Act, 1983* are repealed.

1988-89, c.M-23.2, s.84.

Coming into force

- 85** This Act or any of the provisions of this Act come into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1988-89, c.M-23.2, s.85.